UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/036,501	03/06/1998	DAVID S. LOURIE	42390.P5104	6042

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EXAMINER
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ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/036,501	LOURIE ET AL.
	Examiner	Art Unit	
	LUONG T. NGUYEN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 March 2003</u>.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-16,18-19, 21-24, 25-31 (renumbered as 33-39, respectively)* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-16, 18-19, 21-24, 25-31 (renumbered as 33-39, respectvely)* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/11/03</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see Amendment, filed on 3/11/2003, with respect to claims 15-

16, 18-19, 21-24 and newly added claims 25-31 have been fully considered and are persuasive.

The non-final Office Action as made on 12/24/2002 has been withdrawn. A replacement non-

final Office Action sets forth below.

Claim Objections

2.   Claims 25-31 are objected to because of the following informalities:

It is noted that in the Preliminary Amendment field on 10/14/1998, claims 1-14 are

canceled and claims 15-32 are added.

In Amendment filed on 10/06/2000, claims 25-28 and 30-31 are canceled.

In Amendment filed on 04/02/2001, claims 17, 20, 29, 32 are canceled.

Therefore, according to MPEP § 608.01(j), 37 CFR 1.126, newly added claims 25-31 in

Amendment filed on 3/11/2003 should be renumbered as 33-39, respectively.

On line 1 of newly added claims 26, 27, 28 (renumbered as 34, 35, 36, respectively),

"The system of claim 25" should be changed to --The system of claim 33--.

On line 1 of newly added claims 30, 31 (renumbered as 38, 39, respectively), "The

system of claim 29" should be changed to --The system of claim 37--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 15-16, 18-19, 21-24, 25-31 (renumbered 33-39) are rejected under 35

U.S.C. 102(e) as being anticipated by Cooper et al. (US 5,892,856).

Regarding claim 25 (renumbered 33), Cooper et al. discloses a system comprising:

a computer (computer 400, figure 4, column 5, lines 45-58), the computer to transition

from an active mode to an inactive mode in response to a predetermined period of computer

inactivity (the detector 325 compares ten consecutive frames, if there is motion, the detector

concludes that the user is in close proximity, which corresponds to active mode. At the end of

ten minutes, if none of ten frames indicates motion at the end point, this indicates that the user is

not in close proximity, which corresponds to inactive mode; the detector 325 is used to

automatically log the user in and out from the computer network, figures 4, 9, column 12, line 40

to column 14, line 22. This means that after ten minutes, if there is no motion, the computer

transits from active mode to inactive mode);

a video camera (video camera 418, figure 4, column 5, lines 45-58) coupled to the

computer to detect motion, the video camera including: a

memory (memory, column 12, lines 50-60) to store a plurality of frames corresponding to

a view of an area proximate to the computer at different times; and

a processor (detector 325, figures 4, 9, column 12, line 40 to column 14, line 22) coupled to the memory to compare two of the plurality of frames of the view to each other while the computer is in the inactive mode to determine whether there is motion proximate to the computer and to cause the computer to exit the inactive mode in response to detected motion proximate to the computer.

Regarding claim 26 (renumbered 34), Cooper et al. discloses the processor to cause the computer to exit the inactive mode in response to detected motion proximate to the computer comprises the processor to cause the computer to exit the inactive mode in response to the two frames differing by a predetermined amount (figure 9, column 12, line 40 to column 14, line 22).

Regarding claims 16, 27 (renumbered 35), Cooper et al. discloses reset circuitry coupled to the processor to power up the computer to exit the inactive mode (Cooper et al. discloses the detector 325 is used to automatically log the user in and out from the computer network, column 14, lines 14-22. Therefore, a reset circuitry is included in the system to power up the computer to exit the inactive mode).

Regarding claim 28, (renumbered 36), Cooper et al. discloses the computer is a personal computer (computer 400, figure 4).

Claims 29-31 (renumbered 37-39) are method claim of apparatus claims 25-26 (renumbered 33-34), therefore, see Examiner's comments regarding claims 33-34.

Regarding claim 15, all the limitations are contained in claim 25 (renumbered 33);

therefore see examiner's comment regarding claim 25 (renumbered 33), except for the limitation

"a memory to store a weighted average of brightness corresponding to one or more frames,"

which is disclosed by Cooper et al. (Cooper a et al. discloses a weighted average of brightness

corresponding to one or more frames as "a video frame bitmap may comprises a color value and

an intensity value for each pixel," column 7, lines 25-39).

Claim 22 is method claim of apparatus claim 15, therefore, see Examiner's comments

regarding claim 15.

Regarding claim 18, Cooper et al. discloses the processor receives frames at a first rate

when the computer system is in the inactive mode and the processor receives frames at a second

rate when the computer system is not in the inactive mode (Cooper et al. discloses that by

comparing each of ten consecutive video frames, the detector 325 determines if there is a motion

or no motion to automatically log the user in or out from computer network, this means that the

detector receives frames at a first rate when the computer system is in the inactive mode and the

detector 325 receives frames at a second rate when the computer system is not in the inactive

mode, column 13, line 20 to column 14, line 23).

Regarding claim 19, Cooper et al. discloses the processor determines a frame property

when the computer system is in the inactive mode and does not determine the frame property

when the computer system not in the inactive mode (figure 9, column 12, line 40 to column 14, line 22).

Regarding claim 21, Cooper et al. discloses the processor compares frames by comparing a weighted average brightness of consecutive frames (column 7, lines 24-39, column 13, lines 21-45).

Regarding claim 23, Cooper et al. discloses determining the weighted average brightness is performed by a processor internal to a video camera coupled to the computer system (figures 4, 9, column 7, lines 24-39).

Regarding claim 24, Cooper et al. discloses wherein frames are received at a first frame rate when the computer system is not in the inactive mode and at a second frame rate when the computer system is in the inactive mode (Cooper et al. discloses that by comparing each of ten consecutive video frames, the detector 325 determines if there is a motion or no motion to automatically log the user in or out from computer network, this means that frames are received at a first frame rate when the computer system is not in the inactive mode and at a second frame rate when the computer system is in the inactive mode, column 13, line 20 to column 14, line 23).

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-

7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, NGOCYEN VU can be reached on (571) 272-7320. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
02/05/06

**LUONG T. NGUYEN
PATENT EXAMINER**